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C O N F I D E N T I A L TEGUCIGALPA 000226

SIPDIS

E.O. 12958: DECL: 03/30/2019

TAGS: [PGOV](#) [PREL](#) [HO](#)

SUBJECT: PRESIDENT ZELAYA DISCUSSES THE DOMESTIC SCENE

Classified By: Ambassador Hugo Llorens for reasons 1.4 (b & d)

¶11. (C) Summary: At lunch on March 30, the Ambassador and President Manuel "Mel" Zelaya discussed a range of issues including current political developments. Zelaya briefed the Ambassador on his plans to consult Hondurans on the holding of a constituent assembly for the purpose of seeking modification of the "unreformable" articles of the Constitution (including permitting Presidents to seek a second, non-consecutive term. Assuming the poll reveals strong support for the proposal, he plans to ask the National Congress to approve legislation allowing the holding of a referendum or fourth urn during the General Election to be held on November 27, 2009. Zelaya insisted that he had no plans to stay beyond his term in office, which ends on January 27, 2010. He added that if the referendum was successful, a constituent assembly would be convened in 2010 during the tenure of the new President. The Ambassador conveyed our strong concerns about the proposal to hold a fourth urn, describing it as a distraction from priority issues such as mitigating the effects of the global economic crisis and combatting the threat of international organized crime. The Ambassador also insisted that while this was an issue that needed to be managed by Hondurans, as a friend and close ally the U.S. would expect that anything done be legal, constitutional and achieved through consensus. The Ambassador also advised Zelaya to seek to reduce tensions by reiterating publicly and privately his commitment to supporting the upcoming general elections and guaranteeing the peaceful transfer of power on January 27, 2010. Zelaya's fourth urn is facing stiff opposition and there is little inclination on the part of the National Congress and the leaders of any of the political parties to support the idea. Driven in part by his left-wing friends and allies here and abroad, Zelaya's goal is to retain his political relevance. If he overplays his hand, he may trigger a major constitutional crisis. We will stay in close touch with Zelaya and other key players in his government and the opposition to influence developments and seek to ensure a legal and constitutional way forward. End Summary.

¶12. (C) On March 30, the Ambassador had an opportunity to review the current state of U.S. relations, as well as discuss a broad range of issues in a one-on-one lunch at the Residence with President Zelaya. This message covers discussion of the domestic issues. A separate message covers the discussion of regional matters.

The Domestic Scene: The Fourth Urn:

¶3. (C) Zelaya said that an important objective of his Administration in its last year in office was to consult the people of Honduras on whether the Constitution needed to be amended to consider possible modification of the &unreformable8 articles of the Constitution. (Note: Nearly all of the articles of the Constitution can be reformed by a two thirds vote of the National Congress. There are a handful of articles, including those that refer to the republican form of government, geographic delimitation of national territory and limits on Presidential terms that cannot be modified, except through the holding of a plebiscite and the convening of a constituent assembly. End Note). Zelaya argued that limiting presidential terms to one four-year term was reasonable when the Constitution had been written and approved in the 1980s, since it reflected the popular trauma with Honduras, authoritarian past, the real potential of military coups, or attempts by politicians to cling to power. He himself agreed that Honduras should not allow for consecutive terms as is the case in the U.S., since a sitting President could use all of the resources of the state to ensure his reelection. However, he supported allowing former presidents to be able to seek a second term, in a non-consecutive basis, as is the case with Costa Rica.

¶4. (C) Zelaya underscored that in meetings with leaders of the Liberal and National parties back in early November, including with Congress President Roberto Micheletti and National Party leader Porfirio Pepe Lobo, an agreement had been reached to seek congressional legislation in 2009 authorizing a fourth urn to be opened for the November 27 General Elections, in addition to the three urns allowing citizens to vote for president, congress and mayors. He reiterated that as the elected president he was obliged to fully respect and uphold the Constitution and had no/no interest in staying on beyond his term, which expires on January 27, 2010, and would turn over power to the newly-elected President. He said that if the fourth urn were held and approved, a constituent assembly would be held in 2010 when he was no longer in power and that the mechanics of the assembly would be run and administered by a newly-elected President (likely National Party candidate Pepe Lobo or Liberal Party candidate Elvin Santos) and overseen by a new National Congress.

¶5. (C) Unfortunately, Zelaya said that following the national primaries held last November 30, Micheletti and Lobo turned away from their pact on the fourth urn. Zelaya said he felt personally betrayed and was committed to consulting the people on this important issue. In the absence of a legally sanctioned law by the National Congress authorizing the fourth urn referendum, he was instructing the National Statistical Institute to hold a "popular consultation" or poll to get a sense of public sentiment on the matter. An executive decree had been issued setting the date for the poll for June 30. He said his own private polling suggested that more than 70 percent of the Honduran people supported the convening of a constituent assembly to consider changes to the constitution. Once the poll was held and if it indicated strong support for the proposal, he planned to formally approach the National Congress to consider legislation authorizing the National Electoral Tribunal to create the fourth urn. He said that there would be very strong public pressure on the National Congress to approve the fourth urn. (Note: While much of the available polling suggests strong support for modifying the constitution, the same polling shows that few are able to articulate the issues at stake and there does not appear to be any significant groundswell of support for a continuation of Zelaya in power.).

¶6. (C) The Ambassador told Zelaya that the U.S. government was concerned about the situation in Honduras. He said that President Zelaya's aggressive pursuit of the fourth urn and his issuance of a decree authorizing the holding of the consultative poll seemed arbitrary and had created widespread concern in Honduran and outside that this might signal an

attempt by him and members of his government to hang on to power. The Ambassador said that the U.S. government had received many calls from Hondurans and from human rights groups and NGOS here and in Washington expressing concern about recent developments here. The Ambassador noted that for the U.S. the fourth urn proposal was an issue that was distracting the Honduran government and people away from the country's real priorities, which included mitigating the impact of the global economic crisis and the violence and serious security threat being propagated by international criminal and drug trafficking groups. The Ambassador stressed that the U.S. agenda in Honduras was to work on these shared core issues of interest, as well as implement robust development initiatives across the country. The Ambassador spoke of the increasing polarization in Honduras. He noted that obviously the government did not deserve all of the blame and recognized that there were many intolerant people on the far right that sought to attack Zelaya no matter what the issue. The Ambassador concluded, however that as the leader of all Hondurans, Zelaya had an obligation to set the tone and seek to establish unity and social harmony.

¶7. (C) The Ambassador stressed that we had worked well on numerous issues with his government and that our concern was not whether he ruled from the left or right of the political spectrum. Above all else the U.S. supported democracy in Honduras. On the issue of the fourth urn, the Ambassador stressed that while this was for Hondurans themselves to manage, as a friend and a close ally the U.S. expectation was that the management of this issue be strictly legal, fully in accordance with the Honduran Constitution, and that it be consensual and result from active consultations with all of the political parties, the National Congress, and civil society. The Ambassador also strongly advised Zelaya that this matter be dealt with in a manner that assured all concerned that the issue was not about President Zelaya or his interest in staying in power and that all the guarantees he could give in this regard (public and private) would go a long way to decompress the issue and avoid conflict. Speaking of the idea of holding the poll, the Ambassador mentioned that in the absence of observers, or the participation of the political parties and the National Elections Tribunal, the credibility and legitimacy of the process would be seriously compromised. Finally, the Ambassador stressed strong U.S. interest in the upcoming elections campaign and noted that at the government's request, we and the international community would be providing technical assistance including the presence of election observers, to support a free and fair process.

¶8. (C) Zelaya admitted he would prefer not to have to move forward alone on the poll. His strong preference was to achieve consensus and negotiate a deal with the political parties and the congressional leadership to permit the holding of the fourth urn. He said he would be very flexible on the details and would be willing to give all public and private assurances that he had no interest in staying in power one day beyond his term of office, or to manipulate in any way the holding of the constituent assembly. He said he had been in discussions with Liberal Party leader and former president Carlos Flores to find a creative solution that may be workable for all sides. (Note: Carlos Flores is strongly opposed to Zelaya's plans, but has privately told the Ambassador he is trying to find a creative way that will avoid a constitutional crisis. End note).

COMMENT

¶9. (C) Zelaya is edging the country towards a major political crisis. Influenced by the Venezuelans, Cubans, and a small group of left-wing advisors, he is risking his political fortunes on a major gamble believing he has mass public support for the idea of a fourth urn and the holding of a constituent assembly. The campaign in favor of the fourth urn also keeps Zelaya on the political offensive and maintains his relevance as a player on the national stage. At the same time, Zelaya knows he is an institutionally weak

President and that his detractors within his own Liberal Party and in the opposition National Party control the National Congress, the Supreme Court and the Public Ministry (the independent Attorney General). He is also facing strong opposition from the leading presidential contenders of both parties. The result is that at this moment he has little institutional support for his proposal for a fourth urn. Zelaya's more practical side wants to cut a deal with the other players to trade his orderly departure from the scene in return for a potential guarantee of political viability at some future date. He believes that retaining political viability provides some insurance and a shield against his many enemies who might seek to settle scores once he is no longer in power. Finally, while playing with his ALBA partners, he covets U.S. approbation and does not want to break with us. We will leverage this, stay in close touch and seek to influence him and the other players to ensure a legal, constitutional and consensual way forward.

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